

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF: )  
 )  
JOHN TAYLOR, D.O. )  
Holder of License No. 2775 for the )  
practice of osteopathic medicine in the )  
State of Arizona. )  
\_\_\_\_\_ )

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER OF SUMMARY  
SUSPENSION**

The Board held a public meeting by telephone conference call on August 12, 1999, regarding John Taylor, D.O. (hereafter "Respondent") pursuant to A.R.S. § 32-1855(C). Dr. Taylor was present and represented by legal counsel, Richard Reilly. Following the Board's review of information obtained pursuant to A.R.S. §§ 32-1855 and 32-1855.01, and having considered the information in the matter and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law, and Order of Summary Suspension, pending a formal Administrative Hearing.

**FINDINGS OF FACT**

1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") is empowered, pursuant to A.R.S. §§ 32-1800 through - 1871 to regulate the licensing and practice of osteopathic medicine in Arizona.
2. Respondent is a licensee of the Board and holds License No. 2775 for the practice of osteopathic medicine in Arizona.
3. The Board obtained information that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854.

4. Pursuant to Findings of Fact, Conclusions of Law and Order effective January 29, 1996, Respondent was censured for unprofessional conduct and placed on a five year probation and ordered to comply with the terms and conditions of probation set forth in greater detail in that Order. See attached Exhibit A, which is incorporated herein by referenced. The probationary order of January 29, 1996 arose out of Respondent's substance abuse and illegally obtaining a controlled substance.

5. Pursuant to paragraph 6 of the Board's January 29, 1996 Order, Respondent was ordered to "abstain completely from the consumption of alcoholic beverages; and, not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless such medication is prescribed for him by his treating physician." The information available to the Board demonstrates that Respondent violated the Board's probationary order by consuming alcohol and Valium. Specifically, biological testing conducted on the following dates were positive for the identified substances:

- A. Biological fluid sample collected on June 9, 1999 at approximately 2:10 p.m. confirmed the presence of ethanol alcohol at a level of .14 percent. Respondent denies consuming alcohol.
- B. Biological fluid sample collected on August 7, 1999 at 12:15 p.m. tested positive for nordiazepam, quantity 490, oxazepam, quantity 584, and temazepam, quantity 280. Respondent stated that he purchased Valium in Mexico. Respondent's treating physician stated that he did not prescribe Valium to Respondent.

Violating a Formal Board order, probation or stipulation constitutes a violation of A.R.S. § 32-1854(26).

6. The Board held a public meeting on August 7, 1999 to discuss the allegation of Respondent's noncompliance with a Board Order. Respondent stated that he had been depressed

lately and his medication and been adjusted. Respondent also stated that he had a back injury and had been prescribed vicadin and Valium. Respondent informed the Board that he was attempting to acquire a position as an emergency room physician. The Board was concerned about Respondent's ability to practice in an emergency room, as he appeared to be sedated and slow in response to the Board's questions. The Board requested that the Executive Director inquire with Respondent's treating physician and psychiatrist to see what medications he was currently being prescribed and whether or not he was fit to practice emergency room medicine.

7. On August 9, 1999 Respondent's treating physician stated that he was unaware that Respondent was under a probationary order for substance use. Respondent's physician stated that Respondent had been provided injectable Demerol, Percocet and vicadin. Respondent's physician stated that had he known that Respondent had a Board Order, he would not have prescribed the controlled substances.

8. On August 10, 1999, Respondent's treating psychiatrist stated that he had not prescribed Respondent Valium and did not suggest he go to Mexico to receive Valium. The psychiatrist also stated that he was unaware of the prescriptions of Percocet and vicadin.

9. Due to the substances that Respondent is presently taking and his current mental and physical condition, the Board questioned Respondent's ability to practice medicine.

10. In public session on August 12, 1999 the Board voted that Respondent's disregard of his Board Order and his relapse behavior specifically reflected in his June 9, 1999 and August 7, 1999 positive urine tests provide the Board with adequate evidence to conclude that the public health, safety, or welfare imperatively require this emergency suspension.

### CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes §§ 32-1800 through 1871, the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has authority to summarily suspend an osteopathic license pursuant to A.R.S. §§ 32-1855(C) and 41-1064(C) when it finds, based on the information provided pursuant to A.R.S. § 31-1855(A) and (B), that the public health, safety, or welfare requires emergency action.

3. Violating a formal Board order, probation, or stipulation constitutes unprofessional conduct as defined at A.R.S. § 32-1854(26).

4. The information before the Board at its August 12, 1999 Board Meeting shows that Respondent consumed prohibited substances in violation of his Board Order, presented urine samples containing alcohol and valium on June 9, 1999 and August 7, 1999 and appeared to be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine. Consequently, the Board finds that the public health, safety, or welfare imperatively requires emergency action pursuant to A.R.S. §32-1855(C) and § 41-1064(C).

### ORDER

#### **NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

Pursuant to A.R.S. §§32-1855(C) and 41-1064(C), License No. 2775 held by JOHN S. TAYLOR, D.O. to practice osteopathic medicine is summarily suspended in the State of Arizona effective August 13, 1999, pending further disciplinary proceedings or until further Order of the Board.

EFFECTIVE this 13th day of August, 1999.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

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Ann Marie Berger, Executive Director  
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